



# Cochise County Community Development

## Highway and Floodplain Division

*Public Programs...Personal Service*  
www.cochise.az.gov

### MEMORANDUM

TO: Cochise County Planning and Zoning Commission  
FROM: Peter Gardner, Planner I  
FOR: Beverly J. Wilson, Planning Director  
SUBJECT: Docket Z-15-02 (Blake)  
DATE: February 26, 2015 for the March 11, 2015 Meeting

### APPLICATION FOR A REZONING

The Applicant has requested a rezoning from SR-43 (Single-Household Residential, one dwelling per 43,560-square feet) to SR-174 (Single-Household Residential, one dwelling per 4-acres). The subject parcels total approximately 14.18-acres in size. The rezoning is to facilitate the use of the Owner-Builder Opt-Out Amendment for remodel permits. The subject parcels, 117-06-161A, -165, -072A, -177, -178, -179, & -180, are located along S. Cochise Stronghold Road in Pearce, AZ. The Applicant is Linda S. Blake.

### I. PLANNING AND ZONING COMMISSION

On Wednesday, March 11, 2015, the Planning and Zoning Commission voted 7-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff. No objections were received from any member of the Public.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	14.18 Acres
Zoning:	SR-43 (Single Family Residential, one dwelling per acre)
Growth Area:	Rural
Comprehensive Plan Designation:	D-Medium Density Residential
Area Plan:	Mid Sulphur Springs Valley Area Plan
Existing Uses:	Single Family Residential
Proposed Uses:	Same

#### **Highway and Floodplain**

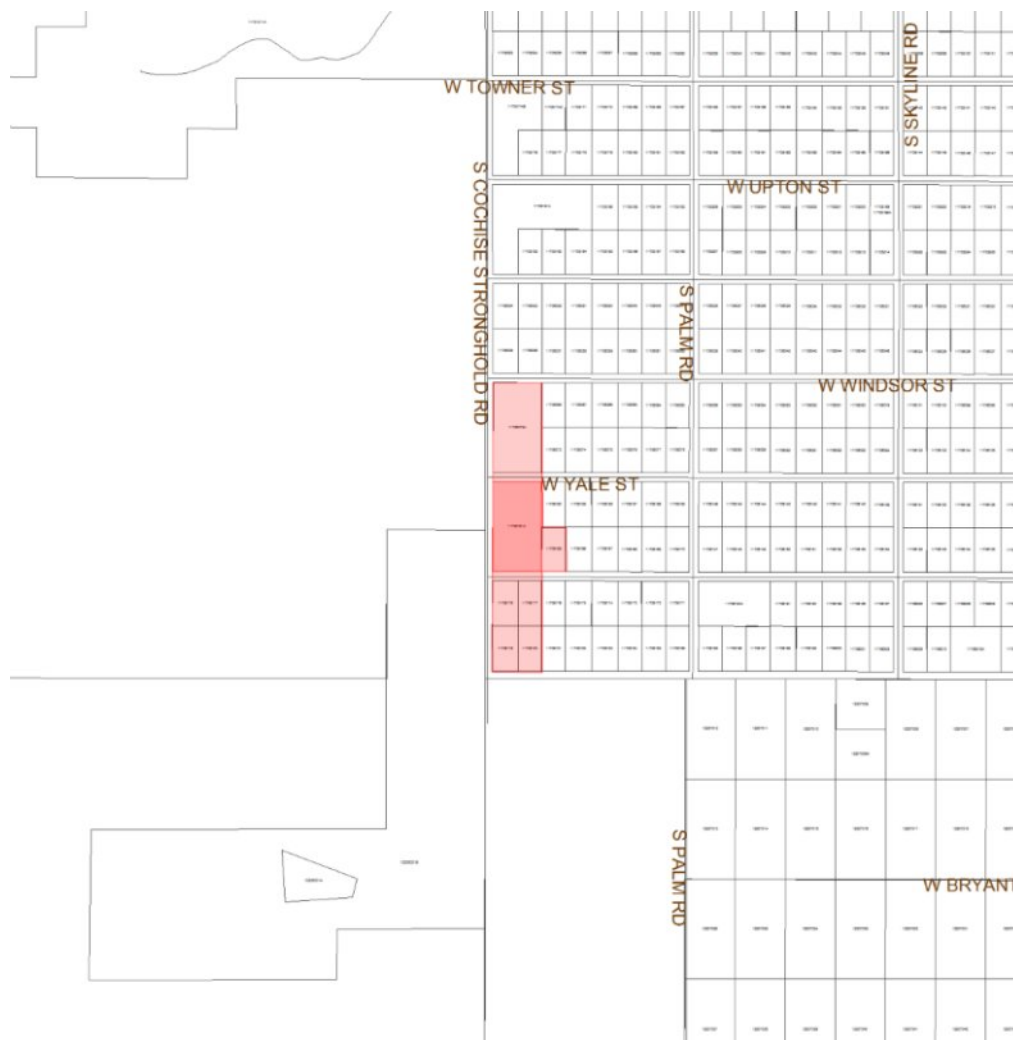
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

#### **Planning, Zoning and Building Safety**

1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant
South	SR-43	Vacant
East	SR-43	Vacant
West	RU-4	National Forest/Vacant



Above: Location map. Dark red area is the home site, lighter red indicates all parcels.

### III. PARCEL HISTORY

1996 – Permit issued to construct home and accessory structures

### IV. NATURE OF REQUEST

The Applicant is requesting a change of zoning from SR-43 (Single Family Residential, one dwelling per acre) to SR-174 (Single Family Residential, one dwelling per four acres) to allow utilization of the Owner Builder Opt-Out Amendment for remodel permits.

## V. ANALYSIS OF IMPACTS

### Mandatory Compliance

The subject property lies within a Category D–Rural Area. Section 402 of the Zoning Regulations allows owners of property lying within Rural areas to seek an SR-174 zoning. Downzonings such as this are encouraged in the Rural Areas as well.

### Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides a list of fifteen factors with which to evaluate Rezoning applications. Staff uses these factors to help determine the suitability of a given request, whether to recommend approval for a rezoning, as well as to determine what Conditions and/or Modifications may be needed.

Ten of the fifteen factors apply to this request. The project, complies with nine those ten factors. The five remaining factors are not applicable to this application.

#### 1. Provides an Adequate Land Use/Concept Plan: Not applicable

The request is not connected to any new construction. The rezoning is requested for the purpose of applying for an Owner Builder Opt-Out remodel permit.

#### 2. Compliance with the Applicable Site Development Standards: Complies

The property meets all site development standards in the SR-174 zoning district. Other than minimum site area, there are no changes to site development standards from SR-43 to SR-174.

#### 3. Adjacent Districts Remain Capable of Development: Complies

The proposed rezoning would not affect the development prospects of any neighboring property.

#### 4. Limitation on Creation of Nonconforming Uses: Complies

The proposal would not create any non-conforming land uses.

#### 5. Compatibility with Existing Development: Complies

The area is characterized by scattered Rural development. All homes are located on parcels larger than one-acre.

#### 6. Rezoning to More Intense Districts: Not Applicable

This is a downzoning from one dwelling per acre to one dwelling per four-acres.

7. Adequate Services and Infrastructure: Complies

The site is currently developed and served by all necessary infrastructure. No changes are being proposed to the site.

8. Traffic Circulation Criteria: Complies

No new construction is proposed.

9. Development Along Major Streets: Not Applicable

The site takes access from minor, non county-maintained roads.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to GB, LI or HI.

11. Unique Topographic Features: Complies

There are no exceptional topographic features warranting consideration on or near the site.

12. Water Conservation: Complies

There is no new major construction proposed. In addition, this downzone would limit potential development of the site to three homes from the 14 currently allowed.

13. Public Input: Complies

The Applicant was not required to complete the Citizen Review process, as the request is a decrease in intensity. Staff posted the property on February 23, 2015, and published a legal notice in the Bisbee Observer on February 19, 2015. The Department also mailed notices to property owners within 1,500-feet of the site. To date, staff has not received any statements for or against the request.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed as part of the future residential development plan.

15. Compliance with Area Plan: Does not comply

The subject property lies within the Mid-Sulphur Springs Valley Plan. In the Area Plan, this parcel is designated as Medium Density Residential, which the plan defines as lot sizes of 12,000-square feet to two-acres. While the proposed zoning does not match this designation, it does match the actual pattern of development in the area, where all existing homes sit on four or more acres. In addition, the subject site directly abuts the National Forest.



*Above: Blake Residence*

#### VI. MODIFICATIONS TO DEVELOPMENT STANDARDS

None required or requested.

#### VII. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on February 23, 2015 and published a legal notice in the *Bisbee Observer* on February 19, 2015. In response to applicant and County mailings, the Planning Department received no letters supporting or opposing this request.

#### VIII. SUMMARY AND CONCLUSION

This request is for a rezoning to lower the maximum density of the site from one home per acre to one home per four acres. While the request does not comply to the letter of the Mid-Sulphur Springs Valley Plan, Staff feels that the request complies with the ultimate intent of the Plan, as well as with the conditions on the ground.

## Factors in Favor of Approving the Special Use

1. The request complies with nine of the ten applicable Rezoning factors used by staff to analyze this request;
2. Cochise County encourages downzoning of Rural properties with high permitted densities to protect Rural Character; and
3. No letters in opposition have been received.

## Factor Against Allowing the Special Use

1. The request does not comply with one of the ten applicable Rezoning factors used by Staff to analyze this request.

## IX. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends the Board of Supervisors Conditionally Approve this request, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

## X. ATTACHMENTS

- A. Application
- B. Parcel map and aerial
- C. Site Plan